

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Cynthia Taylor and Willie Johnson

(b) County of Residence of First Listed Plaintiff
Chester County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

I. Michael Lubner, 1420 Walnut Street, Suite 300, Philadelphia, PA, 19102

DEFENDANTS

Curtis Lynn Myers and Riggs Distler & Company, Inc.

County of Residence of First Listed Defendant
Washington County, MD
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Sarah Baker - Kiernan Trebach, Ten Penn Center, Suite 770, 1801 Market St, Philadelphia, PA, 19103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question (U.S. Government Not a Party)

☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF

DEF

Citizen of This State

☒ 1

☐ 1

PTF

DEF

Citizen of Another State

☐ 2

☒ 2

PTF

DEF

Citizen or Subject of a Foreign Country

☐ 3

☐ 3

Incorporated or Principal Place of Business In This State

☐ 4

☐ 4

Incorporated and Principal Place of Business In Another State

☐ 5

☒ 5

Foreign Nation

☐ 6

☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT

☐ 110 Insurance

☐ 120 Marine

☐ 130 Miller Act

☐ 140 Negotiable Instrument

☐ 150 Recovery of Overpayment & Enforcement of Judgment

☐ 151 Medicare Act

☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)

☐ 153 Recovery of Overpayment of Veteran's Benefits

☐ 160 Stockholders' Suits

☐ 190 Other Contract

☐ 195 Contract Product Liability

☐ 196 Franchise

TORTS

PERSONAL INJURY

☐ 310 Airplane

☐ 315 Airplane Product Liability

☐ 320 Assault, Libel & Slander

☐ 330 Federal Employers' Liability

☐ 340 Marine

☐ 345 Marine Product Liability

☒ 350 Motor Vehicle

☐ 355 Motor Vehicle Product Liability

☐ 360 Other Personal Injury

☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY

☐ 365 Personal Injury - Product Liability

☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability

☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY

☐ 370 Other Fraud

☐ 371 Truth in Lending

☐ 380 Other Personal Property Damage

☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY

☐ 625 Drug Related Seizure of Property 21 USC 881

☐ 690 Other

LABOR

☐ 710 Fair Labor Standards Act

☐ 720 Labor/Management Relations

☐ 740 Railway Labor Act

☐ 751 Family and Medical Leave Act

☐ 790 Other Labor Litigation

☐ 791 Employee Retirement Income Security Act

IMMIGRATION

☐ 462 Naturalization Application

☐ 465 Other Immigration Actions

BANKRUPTCY

☐ 422 Appeal 28 USC 158

☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS

☐ 820 Copyrights

☐ 830 Patent

☐ 835 Patent - Abbreviated New Drug Application

☐ 840 Trademark

SOCIAL SECURITY

☐ 861 HIA (1395ff)

☐ 862 Black Lung (923)

☐ 863 DIWC/DIWW (405(g))

☐ 864 SSID Title XVI

☐ 865 RSI (405(g))

FEDERAL TAX SUITS

☐ 870 Taxes (U.S. Plaintiff or Defendant)

☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES

☐ 375 False Claims Act

☐ 376 Qui Tam (31 USC 3729(a))

☐ 400 State Reapportionment

☐ 410 Antitrust

☐ 430 Banks and Banking

☐ 450 Commerce

☐ 460 Deportation

☐ 470 Racketeer Influenced and Corrupt Organizations

☐ 480 Consumer Credit

☐ 485 Telephone Consumer Protection Act

☐ 490 Cable/Sat TV

☐ 850 Securities/Commodities/Exchange

☐ 890 Other Statutory Actions

☐ 891 Agricultural Acts

☐ 893 Environmental Matters

☐ 895 Freedom of Information Act

☐ 896 Arbitration

☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision

☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding

☒ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation - Transfer

☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1332

Brief description of cause:
Motor Vehicle Accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/14/22



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 103 Garfield Avenue, Apartment 23, West Chester, PA, 19380

Address of Defendant: 337 Wakefield Road, Hagerstown, Maryland

Place of Accident, Incident or Transaction: Westtown Township, Delaware County, Pennsylvania

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/14/22



Attorney-at-Law / Pro Se Plaintiff

206536

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
- (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
- (Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Cynthia Taylor & Willie Johnson	:	CIVIL ACTION
	:	
v.	:	
Curtis Lynn Myers and	:	
Riggs Distler & Company, Inc.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

<u>9/14/22</u>	<u>Sarah M. Baker, Esquire</u>	<u>Defendants</u>
Date	Attorney-at-law	Attorney for
<u>215-569-4433</u>	<u>215-569-4433</u>	<u>sbaker@kiernantrebach.com</u>
Telephone	FAX Number	E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

CYNTHIA TAYLOR and WILLIE JOHNSON,
Plaintiffs

v.

CURTIS LYNN MYERS and
RIGGS DISTLER & COMPANY, INC.
Defendants

Civil Action No.

**NOTICE OF REMOVAL OF DEFENDANTS, CURTIS LYNN MYERS AND
RIGGS DISTLER & COMPANY, INC.**

Defendants, Curtis Lynn Myers and Riggs Distler & Company, Inc., by and through their undersigned counsel, KIERNAN TREBACH LLP, and pursuant to 28 U.S.C. §§1441 and 1332, hereby remove to this Court an action pending in the Court of Common Pleas of Philadelphia County, Pennsylvania. The grounds for this Removal are set forth below:

1. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and which may be removed on the petition of Defendants, Curtis Lynn Myers and Riggs Distler & Company, Inc., to this District Court pursuant to 28 U.S.C. §§ 1441 and 1446.

2. Plaintiffs initiated this action via a Complaint on August 11, 2022, in the Court of Common Pleas of Philadelphia County captioned “Cynthia Taylor and Willie Johnson v. Curtis Lynn Myers and Riggs Distler & Company, Inc.” at August Term, 2022, No. 001368. A true and correct copy of the Complaint is attached hereto and incorporated herein as Exhibit “A.”

3. Plaintiff, Cynthia Taylor, avers in the Complaint that she resides at 103 Garfield Avenue, Apartment 23, West Chester, PA. *See* Exhibit “A” at ¶ 1.

4. Plaintiff, Willie Johnson, avers in the Complaint that he resides at 103 Garfield Avenue, Apartment 23, West Chester, PA. *See* Exhibit “A” at ¶ 2.

5. Plaintiffs named the following Defendants in her Complaint: Curtis Lynn Myers and Riggs Distler & Company, Inc. *See* Exhibit “A.”

6. Plaintiffs aver in the Complaint that Defendant Curtis Lynn Myers resides at 337 Wakefield Road, Hagerstown, Maryland. *See* Exhibit “A” at ¶ 3.

7. Plaintiffs aver in the Complaint that Defendant Riggs Distler & Company, Inc. is a Maryland corporation with a corporate office located at 4 Esterbrook Lane, Cherry Hill, New Jersey. *See* Exhibit “A” at ¶ 4.

8. Plaintiff Cynthia Taylor demands judgment against Defendants, Curtis Lynn Myers and Riggs Distler & Company, Inc. “in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.” *See* Exhibit “A” at unnumbered “wherefore” paragraphs following Counts I and II.

9. Plaintiff Willie Johnson demands judgment against Defendants, Curtis Lynn Myers and Riggs Distler & Company, Inc. “in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.” *See* Exhibit “A” at unnumbered “wherefore” paragraphs following Counts III and IV.

10. The general removal statute, 28 U.S.C. § 1441(a) provides that “any civil action brought in a State court” over which federal district courts have original jurisdiction, through federal question or diversity of citizenship, may be removed by “the defendant or the defendants.” *See* 28 U.S.C. § 1441(a).

11. In order to remove, a “defendant or defendants” must meet the requirements provided for removal detailed in other provisions, such as diversity of citizenship and consent of all defendants who have been properly joined and served. *See* 28 U.S.C. § 1441(b)(2) and 1446 (b)(2)(A), respectively.

12. In addition, removal requires an amount in controversy which “exceeds the sum or value of \$75,000, exclusive of interest and costs.” *See* 28 U.S.C. § 1332(a).

13. Based upon the averments contained in Plaintiff’s Complaint, the amount in controversy in this action exceeds \$75,000, exclusive of interests and costs. *See* Exhibit “A” at unnumbered “wherefore” paragraphs following Counts I, II, III and IV.

14. Specifically, Plaintiff Cynthia Taylor alleges in the Complaint that she sustained “bilateral shoulder strain and sprain, cervical spine strain and sprain, post concussion syndrome, post traumatic headaches, lumbar strain and sprain, left shoulder rotator cuff tendinopathy/tendinosis, right shoulder supraspinatus and subscapularis tendinosis/tendinopathy with distal interstitial tearing, cervical disc bulges, lumbar disc bulges and a severe shock to her nerves and nervous system,” and “has undergone and will undergo great pain and suffering, she has required and will require continued medical attention and treatment, and she has otherwise been injured and damaged; further, said Plaintiff Cynthia Taylor has been and may in the future be disabled and prevented from following her usual occupation and from performing her customary duties and she has suffered a loss and depreciation of her earning power and will continue to suffer such loss and depreciation for an indefinite period of time in the future, all to her great loss and detriment.” *See* Exhibit “A,” at ¶¶ 7 - 8.

15. Plaintiff Willie Johnson alleges in the Complaint that he sustained “cervical sprain and strain, thoracic sprain and strain, myofascial pain of the trapezius, full thickness rotator cuff on the right, acute right C5-6 radiculopathy, cervical disc herniations C4-5, C5-6, C6-7 and a severe shock to his nerves and nervous system,” and “has undergone and will undergo great pain and suffering, he has required and will require continued medical attention and treatment, and he has otherwise been injured and damaged; further, said Plaintiff Willie

Johnson has been and may in the future be disabled and prevented from following his usual occupation and from performing his customary duties and he has suffered a loss and depreciation of his earning power and will continue to suffer such loss and depreciation for an indefinite period of time in the future, all to his great loss and detriment.” *See* Exhibit “A,” at ¶¶ 21 - 22.

16. Pursuant to 28 U.S.C. §§ 1332(a), and 1441(a), this Court possesses original jurisdiction of this action because the amount in controversy exceeds \$75,000 and because this action is between citizens of different states. That is, Plaintiff is diverse from Defendants. Moreover, Defendants are not citizens of the State of Pennsylvania, where the original action was filed. Further, the Eastern District of Pennsylvania embraces Philadelphia County, where the current action is pending in the Court of Common Pleas of Philadelphia County in the Commonwealth of Pennsylvania.

17. For the aforementioned reasons, this lawsuit is properly removable from Pennsylvania State Court to the United States District Court, Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1332(a)(1), 1441(a) and 1446(b) .

18. Defendants, Curtis Lynn Myers and Riggs Distler & Company, Inc., expressly reserve the right to raise all defenses and objections in this action after it is removed to this Honorable Court.

19. A true and correct copy of this Notice of Removal is being filed with the Prothonotary of Philadelphia County Court of Common Pleas, as provided by 28 U.S.C. § 1446(d).

20. Written Notice of the filing of this Notice of Removal will be given to all served parties as required by 28 U.S.C. § 1446(d).

21. No admission of fact, law or liability is intended by this Notice of Removal, and all defenses, affirmative defenses and motions are hereby reserved to Defendants, Curtis Lynn Myers and Riggs Distler & Company, Inc.

WHEREFORE, Defendants, Curtis Lynn Myers and Riggs Distler & Company, Inc., hereby remove the above-captioned action, which is now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

KIERNAN TREBACH LLP



SARAH M. BAKER, ESQUIRE
Attorney ID No. 023982007
Ten Penn Center Plaza, Suite 770
1801 Market Street
Philadelphia, PA 19103
Tel.: (215)569-4433
Fax: (215)569-4434

*Attorney for Defendants, Curtis Lynn Myers and
Riggs Distler & Company, Inc.*

Date: September 14, 2022

CERTIFICATE OF SERVICE

I, Sarah M. Baker, Esquire, hereby certify that, on September 14, 2022, I have served the foregoing Notice of Removal by Defendants Curtis Lynn Myers and Riggs Distler & Company, Inc. electronically on counsel of record using the Court's CM/ECF system.

COUNSEL FOR PLAINTIFF

J. Michael Lubner, Esquire
1420 Walnut Street
Suite 300
Philadelphia, PA 19102

KIERNAN TREBACH LLP

A handwritten signature in dark ink, appearing to read "Sarah M. Baker", is written over a horizontal line.

SARAH M. BAKER, ESQUIRE

EXHIBIT “A”

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

AUGUST 2022**001368**

E-Filing Number: 2208023318

PLAINTIFF'S NAME CYNTHIA TAYLOR		DEFENDANT'S NAME CURTIS LYNN MYERS	
PLAINTIFF'S ADDRESS 103 GARFIELD AVENUE APT 23 WEST CHESTER PA 19380		DEFENDANT'S ADDRESS 337 WAKEFIELD ROAD HAGERSTOWN MD 21740	
PLAINTIFF'S NAME WILLIE JOHNSON		DEFENDANT'S NAME RIGGS DISTLER & COMPANY INC	
PLAINTIFF'S ADDRESS 103 GARFIELD AVENUE APT 23 WEST CHESTER PA 19380		DEFENDANT'S ADDRESS 4 ESTERBROOK LANE CHERRY HILL NJ 08003	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		FILED PROPROTHY AUG 11 2022 I. LOWELL	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>CYNTHIA TAYLOR , WILLIE JOHNSON</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY MICHAEL I. LUBER		ADDRESS 1420 WALNUT STREET SUITE 300 PHILADELPHIA PA 19102	
PHONE NUMBER (215) 496-1000	FAX NUMBER (215) 496-9025		
SUPREME COURT IDENTIFICATION NO. 2041		E-MAIL ADDRESS imichaelluber@aol.com	
SIGNATURE OF FILING ATTORNEY OR PARTY MICHAEL LUBER		DATE SUBMITTED Thursday, August 11, 2022, 10:37 am	

FINAL COPY (Approved by the Prothonotary Clerk)

Attorney for Plaintiff

I. MICHAEL LUBER, ESQUIRE
Attorney I.D. No. 02041
1420 Walnut Street, Suite 300
Philadelphia, PA 19102
(215) 496-1000

Attorney for Plaintiffs

Cynthia Taylor	:	COURT OF COMMON PLEAS
103 Garfield Ave., Apt 23	:	PHILADELPHIA COUNTY
West Chester, PA 19380	:	
And	:	
Willie Johnson	:	
103 Garfield Ave., Apt 23	:	
West Chester, PA 19380	:	
vs.	:	
Curtis Lynn Myers	:	
337 Wakefield Road	:	
Hagerstown, MD 21740	:	
and	:	
Riggs Distler & Company, Inc.	:	
4 Esterbrook Lane	:	
Cherry Hill, NJ 08003	:	

CIVIL ACTION COUNT I
Cynthia Taylor vs. Curtis Lynn Myers

1. The Plaintiff Cynthia Taylor is an adult individual who resides at 103 Garfield Avenue, Apartment 23, West Chester, Pa.
2. The Plaintiff Willie Johnson is an adult individual who resides at 103 Garfield Avenue, Apartment 23, West Chester, Pa.
3. The Defendant Curtis Lynn Myers is an adult individual who resides at 337 Wakefield Road, Hagerstown, Maryland. At all times material and relevant herein, the Defendant Curtis Lynn Myers was an agent, servant, workman and/or employee of the Defendant Riggs Distler & Company, Inc. and as such was acting within the course and scope of his employment.
4. The Defendant Riggs Distler & Company, Inc., is a Maryland corporation with a corporate office located 4 Esterbrook Lane, Cherry Hill, New Jersey. The

defendant Riggs Distler & Company, Inc. regularly transacts and conducts business in the Commonwealth of Pennsylvania and the City and County of Philadelphia. At all times material and relevant hereto the Defendant Riggs Distler & Company, Inc., was the employer of the Defendant Curtis Lynn Myers.

5. On or about April 5, 2021 at or about 2:00 p.m. the Plaintiff Cynthia Taylor was lawfully operating her vehicle, in which Plaintiff Willie Johnson was a passenger, east on West Chester Pike at or near North Chester Road, Westtown Township, Delaware County, Commonwealth of Pennsylvania.

6. On the above date and time, the Defendant Curtis Lynn Myers did operate a work truck owned and/or leased by the Defendant Riggs Distler & Company, Inc., east on West Chester Pike while in the course and scope of his employment for the said Defendant and in such a careless, reckless and negligent manner that he suddenly without warning or notice and with great force and violence struck Plaintiffs car as he attempted to enter/merge into the right turn lane of West Chester Pike at or near North Chester Road thereby striking Plaintiffs vehicle causing the Plaintiffs to be tossed and thrown about thereby sustaining serious and painful permanent injuries.

7. As a result of the aforesaid occurrence the Plaintiff Cynthia Taylor was caused to sustain serious and painful personal injuries rendering her sick, sore and disordered and more particularly she sustained a serious impairment of a bodily function, including but not limited to bilateral shoulder strain and sprain, cervical spine strain and sprain, post concussion syndrome, post traumatic headaches, lumbar strain and sprain, left shoulder rotator cuff tendinopathy/tendinosis, right shoulder supraspinatus and subscapularis tendinosis/tendinopathy with distal interstitial tearing, cervical disc bulges, lumbar disc bulges and a severe shock to her nerves and nervous system, some or all of which injuries may be permanent in nature.

8. As a result of the aforesaid occurrence, the Plaintiff Cynthia Taylor has undergone and will undergo great pain and suffering, she has required and will require continued medical attention and treatment, and she has otherwise been injured and damaged; further, said Plaintiff Cynthia Taylor has been and may in the future be disabled and prevented from following her usual occupation and from performing her customary duties and she has suffered a loss and depreciation of her earning power and will continue to suffer such loss and depreciation for an indefinite period of time in the future, all to her great loss and detriment.

9. As a further result of this occurrence, the Plaintiff Cynthia Taylor has been and may in the future be compelled to expend monies for medicine, medical care and treatment rendered necessary as a result of the injuries aforesaid, all to her great loss and detriment.

10. The negligence of the Defendant Curtis Lynn Myers consisted of the following:

- (a) operating said work truck in a negligent, careless and/or reckless manner without regard for the rights or safety of plaintiffs or others;
- (b) failing to have said work truck under proper and adequate control;
- (c) failing to observe the position of the plaintiffs and to take such action as was necessary to prevent striking the plaintiffs vehicle;
- (d) failing to yield to a vehicle that was lawfully in a traffic lane;
- (e) being inattentive to defendant's duties as an operator of a work truck;
- (f) disregarding traffic lanes, patterns and other devices;
- (g) failing to keep an adequate distance from vehicles in the vicinity of the plaintiffs;
- (h) failing to remain continually alert while operating said work truck;

- (i) failing to be highly vigilant and maintain sufficient control of said work truck and to bring it to a stop on the shortest possible notice;
- (j) operating a work truck at an excessive rate of speed under the circumstances;
- (k) failure to obey the rules of the road and ordinances of Chester County and the statutes of the Commonwealth of Pennsylvania while operating the work vehicle on the highways and roadways of this Commonwealth;
- (l) operating a work truck without due regard for the right, safety and position of the plaintiffs under the circumstances;
- (m) exhibiting a reckless and wanton disregard toward the rights and safety of the plaintiffs and others herein;
- (n) in failing to apply the brakes in time to avoid the collision;
- (o) in failing to exercise the high degree of care required of a motorist while driving;
- (p) in failing to keep a reasonable look-out for other vehicles lawfully on the road;
- (q) in failing to yield the right-of-way to traffic already upon the highway;
- (r) in failing to observe traffic directly in front of him;
- (s) in failing to keep a proper lookout for approaching vehicles;
- (t) in violating 75 Pa.C.S. Section 3361 - driving at a safe speed;
- (u) in violating 75 Pa.C.S. Section 3714 - careless driving;
- (v) in violating 75 Pa.C.S. Section 3736 - reckless driving;
- (w) in violating 75 Pa.C.S. Section 3334 – turning movements and required signals.

WHEREFORE, Plaintiff Cynthia Taylor demands judgment against the Defendant Curtis Lynn Myers in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

COUNT II – NEGLIGENT ENTRUSTMENT

Cynthia Taylor vs. Riggs Distler & Company Inc.

11. Plaintiff incorporates paragraphs 1 through 10 as though same were more fully set forth herein at length.

12. On or about April 5, 2021 at or about 2:00 p.m. the Plaintiff Cynthia Taylor was lawfully operating her vehicle, in which Plaintiff Willie Johnson was a passenger, east on West Chester Pike at or near North Chester Road, Westtown Township, Delaware County, Commonwealth of Pennsylvania.

13. On the above date and time, the Defendant Curtis Lynn Myers did operate a work truck owned and/or leased by the Defendant Riggs Distler & Company, Inc., east on West Chester Pike while in the course and scope of his employment for the said Defendant and in such a careless, reckless and negligent manner that he suddenly without warning or notice and with great force and violence struck Plaintiffs car as he attempted to enter/merge into the right turn lane of West Chester Pike at or near North Chester Road thereby striking Plaintiffs vehicle causing the Plaintiffs to be tossed and thrown about thereby sustaining serious and painful permanent injuries.

14. As a result of the aforesaid occurrence the Plaintiff Cynthia Taylor was caused to sustain serious and painful personal injuries rendering her sick, sore and disordered and more particularly she sustained a serious impairment of a bodily function, including but not limited to bilateral shoulder strain and sprain, cervical spine strain and sprain, post concussion syndrome, post traumatic headaches, lumbar strain and sprain,

left shoulder rotator cuff tendinopathy/tendinosis, right shoulder supraspinatus and subscapularis tendinosis/tendinopathy with distal interstitial tearing, cervical disc bulges, lumbar disc bulges and a severe shock to her nerves and nervous system, some or all of which injuries may be permanent in nature.

15. As a result of the aforesaid occurrence, the Plaintiff Cynthia Taylor has undergone and will undergo great pain and suffering, she has required and will require continued medical attention and treatment, and she has otherwise been injured and damaged; further, said Plaintiff Cynthia Taylor has been and may in the future be disabled and prevented from following her usual occupation and from performing her customary duties and she has suffered a loss and depreciation of her earning power and will continue to suffer such loss and depreciation for an indefinite period of time in the future, all to her great loss and detriment.

16. As a further result of this occurrence, the Plaintiff Cynthia Taylor has been and may in the future be compelled to expend monies for medicine, medical care and treatment rendered necessary as a result of the injuries aforesaid, all to her great loss and detriment.

17. The negligence of the Defendant Riggs Distler & Company, Inc, consisted of the following:

- (a) failing to properly train their workmen, agents, servants and/or employees;
- (b) failing to ensure that their workmen, agents, servants and/or employees were knowledgeable in the operation of work vehicles;
- (c) failing to properly supervise their workmen, agents, servants and/or employees;

WHEREFORE, Plaintiff Cynthia Taylor demands judgment against the Defendant Riggs Distler & Company, Inc in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

COUNT III

Willie Johnson vs. Curtis Lynn Myers

18. Plaintiff incorporates paragraphs 1 through 17 as though same were more fully set forth herein at length

19. On or about April 5, 2021 at or about 2:00 p.m. the Plaintiff Cynthia Taylor was lawfully operating her vehicle, in which Plaintiff Willie Johnson was a passenger, east on West Chester Pike at or near North Chester Road, Westtown Township, Delaware County, Commonwealth of Pennsylvania.

20. On the above date and time, the Defendant Curtis Lynn Myers did operate a work truck owned and/or leased by the Defendant Riggs Distler & Company, Inc., east on West Chester Pike while in the course and scope of his employment for the said Defendant and in such a careless, reckless and negligent manner that he suddenly without warning or notice and with great force and violence struck Plaintiffs car as he attempted to enter/merge into the right turn lane of West Chester Pike at or near North Chester Road thereby striking Plaintiffs vehicle causing the Plaintiffs to be tossed and thrown about thereby sustaining serious and painful permanent injuries.

21. As a result of the aforesaid occurrence the Plaintiff Willie Johnson was caused to sustain serious and painful personal injuries rendering him sick, sore and disordered and more particularly he sustained a serious impairment of a bodily function, including but not limited to cervical sprain and strain, thoracic sprain and strain, myofascial pain of the trapezius, full thickness rotator cuff on the right, acute right C5-6

radiculopathy, cervical disc herniations C4-5, C5-6, C6-7 and a severe shock to his nerves and nervous system, some or all of which injuries may be permanent in nature.

22. As a result of the aforesaid occurrence, the Plaintiff Willie Johnson has undergone and will undergo great pain and suffering, he has required and will require continued medical attention and treatment, and he has otherwise been injured and damaged; further, said Plaintiff Willie Johnson has been and may in the future be disabled and prevented from following his usual occupation and from performing his customary duties and he has suffered a loss and depreciation of his earning power and will continue to suffer such loss and depreciation for an indefinite period of time in the future, all to his great loss and detriment.

23. As a further result of this occurrence, the Plaintiff Willie Johnson has been and may in the future be compelled to expend monies for medicine, medical care and treatment rendered necessary as a result of the injuries aforesaid, all to his great loss and detriment.

24. The negligence of the Defendant Curtis Lynn Myers consisted of the following:

- (a) operating said work truck in a negligent, careless and/or reckless manner without regard for the rights or safety of plaintiffs or others;
- (b) failing to have said work truck under proper and adequate control;
- (c) failing to observe the position of the plaintiffs and to take such action as was necessary to prevent striking the plaintiffs vehicle;
- (d) failing to yield to a vehicle that was lawfully in a traffic lane;
- (e) being inattentive to defendant's duties as an operator of a work truck;
- (f) disregarding traffic lanes, patterns and other devices;

- (g) failing to keep an adequate distance from vehicles in the vicinity of the plaintiffs;
- (h) failing to remain continually alert while operating said work truck;
- (i) failing to be highly vigilant and maintain sufficient control of said work truck and to bring it to a stop on the shortest possible notice;
- (j) operating a work truck at an excessive rate of speed under the circumstances;
- (k) failure to obey the rules of the road and ordinances of Chester County and the statutes of the Commonwealth of Pennsylvania while operating the work vehicle on the highways and roadways of this Commonwealth;
- (l) operating a work truck without due regard for the right, safety and position of the plaintiffs under the circumstances;
- (m) exhibiting a reckless and wanton disregard toward the rights and safety of the plaintiffs and others herein;
- (n) in failing to apply the brakes in time to avoid the collision;
- (o) in failing to exercise the high degree of care required of a motorist while driving;
- (p) in failing to keep a reasonable look-out for other vehicles lawfully on the road;
- (q) in failing to yield the right-of-way to traffic already upon the highway;
- (r) in failing to observe traffic directly in front of him;
- (s) in failing to keep a proper lookout for approaching vehicles;
- (t) in violating 75 Pa.C.S. Section 3361 - driving at a safe speed;
- (u) in violating 75 Pa.C.S. Section 3714 - careless driving;

(v) in violating 75 Pa.C.S. Section 3736 - reckless driving;

(w) in violating 75 Pa.C.S. Section 3334 – turning movements and required signals.

WHEREFORE, Plaintiff Willie Johnson demands judgment against the Defendant Curtis Lynn Myers in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

COUNT IV – NEGLIGENT ENTRUSTMENT

Willie Johnson vs. Riggs Distler & Company Inc.

25. Plaintiff incorporates paragraphs 1 through 24 as though same were more fully set forth herein at length.

26. On or about April 5, 2021 at or about 2:00 p.m. the Plaintiff Cynthia Taylor was lawfully operating her vehicle, in which Plaintiff Willie Johnson was a passenger, east on West Chester Pike at or near North Chester Road, Westtown Township, Delaware County, Commonwealth of Pennsylvania.

27. On the above date and time, the Defendant Curtis Lynn Myers did operate a work truck owned and/or leased by the Defendant Riggs Distler & Company, Inc., east on West Chester Pike while in the course and scope of his employment for the said Defendant and in such a careless, reckless and negligent manner that he suddenly without warning or notice and with great force and violence struck Plaintiffs car as he attempted to enter/merge into the right turn lane of West Chester Pike at or near North Chester Road thereby striking Plaintiffs vehicle causing the Plaintiffs to be tossed and thrown about thereby sustaining serious and painful permanent injuries.

28. As a result of the aforesaid occurrence the Plaintiff Willie Johnson was caused to sustain serious and painful personal injuries rendering him sick, sore and disordered and more particularly he sustained a serious impairment of a bodily function,

including but not limited to cervical sprain and strain, thoracic sprain and strain, myofascial pain of the trapezius, full thickness rotator cuff on the right, acute right C5-6 radiculopathy, cervical disc herniations C4-5, C5-6, C6-7 and a severe shock to his nerves and nervous system, some or all of which injuries may be permanent in nature.

29. As a result of the aforesaid occurrence, the Plaintiff Willie Johnson has undergone and will undergo great pain and suffering, he has required and will require continued medical attention and treatment, and he has otherwise been injured and damaged; further, said Plaintiff Willie Johnson has been and may in the future be disabled and prevented from following his usual occupation and from performing his customary duties and he has suffered a loss and depreciation of his earning power and will continue to suffer such loss and depreciation for an indefinite period of time in the future, all to his great loss and detriment.

30. As a further result of this occurrence, the Plaintiff Willie Johnson has been and may in the future be compelled to expend monies for medicine, medical care and treatment rendered necessary as a result of the injuries aforesaid, all to his great loss and detriment.

31. The negligence of the Defendant Riggs Distler & Company, Inc, consisted of the following:

- (a) failing to properly train their workmen, agents, servants and/or employees;
- (b) failing to ensure that their workmen, agents, servants and/or employees were knowledgeable in the operation of work vehicles;
- (c) failing to properly supervise their workmen, agents, servants and/or employees;

WHEREFORE, Plaintiff Willie Johnson demands judgment against the Defendant Riggs Distler & Company, Inc in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

BY: _____/s/_____
I. MICHAEL LUBER, ESQUIRE
Attorney for Plaintiffs

VERIFICATION

I, Willie Johnson, hereby state the following:

1. I am the Plaintiff in this action;
2. I verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in the said pleading are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.


WILLIE JOHNSON

VERIFICATION

I, Cynthia Taylor, hereby state the following:

1. I am the Plaintiff in this action;
2. I verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in the said pleading are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.


CYNTHIA TAYLOR